S.B. CIVIL SECOND APPEAL NO.180/2005

Manohar Lal vs. Radhey Shyam.

Date : 28.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Rakesh Arora, for the appellant.

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Heard learned counsel for the appellant.

The only ground raised by learned counsel for the appellant/tenant is that the suit shop was let out by Choga Lal. He died leaving behind four sons and three daughters, therefore, the suit for eviction against the tenant could have been filed by all the successors of Choga Lal's property but in this case, the said suit has been filed by only one of the descendant of Choga Lal. It is also submitted that the appellant denied the rent deed set up by the plaintiff and, therefore, the suit of the plaintiff was liable to be dismissed as having been filed by only one of the successors of Choga Lal and, therefore, according to the appellant, there was no relationship of landlord and tenant between the appellant and Radhey Shyam (son of Chogalal).

I have considered the submissions of learned counsel for the appellant.

The argument submitted by learned counsel for the

appellant has no merit in law in view of the fact that one of the co-sharer and any of the descendant of the original plaintiff is the landlord and, therefore, can maintain the suit for eviction of the tenant and that too even without impleading the other co-sharers and particularly, when the original landlord dies leaving behind several successors. In view of the fact that relationship of landlord and tenant stands admitted, no substantial question of law is involved in this appeal.

In view of the above, this second appeal is dismissed.

(PRAKASH TATIA), J.

S.Phophaliya